

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claims 1-3, 5-8, and 10 are pending in the application. The Applicants have amended claims 1, 6, and 7 only to overcome a claim objection and rejections for indefiniteness under § 112, second paragraph. Therefore, no new issues have been raised. The Applicants respectfully request favorable reconsideration of the application in view of the foregoing amendments and the following remarks.

### **2.) Claim Objections**

On Page 2 of the Office Action, the Examiner objected to claim 7 due to the phrase "is adapted to be reused." The Applicants have amended claim 7 to recite "is reused" as suggested by the Examiner. Therefore, the withdrawal of the objection to claim 7 is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 112**

On Page 2 of the Office Action, the Examiner rejected claims 1-3, 5-8 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner identified a number of terms deemed to be indefinite in base claims 1 and 6.

The Applicants have amended independent claims 1 and 6 to clarify each of the terms identified by the Examiner. Therefore, the withdrawal of the rejection under § 112, second paragraph, is respectfully requested.

### **4.) Claim Rejections – 35 U.S.C. § 102(e)**

On Page 4 of the Office Action, the Examiner rejected claims 1-3, 5-8 and 10 under 35 U.S.C. § 102(e) as being anticipated by Turner, et al. (US 7,012,889). The Applicants respectfully request the Examiner's reconsideration of the rejected claims based on the following remarks.

Turner also relates to a packet flow control system, but seems to operate differently from the Applicants' claimed invention. Turner describes a system with a plurality of input line cards (ports) which send packets to an output queue. When the output queue is unconstrained, the input ports send packets to the output queue as they are received. When the output queue becomes backlogged, Turner controls the rate at which packets are sent to the output queue by either (1) sending XON and XOFF flow control signals to the input ports, or (2) determining a reduced "pacing rate" for each input port. (Turner, col. 3, lines 22-34; and col. 3, line 54 through col. 4, line 7). The pacing rate may be proportional to the rate at which the input card receives packets. Thus, input ports that receive the most packets also send the most packets to the output queue.

In the Applicants' claimed invention, when the output queue is congested, the invention halts the input paths, in a procedure similar to Turner's embodiment of sending XON and XOFF signals to the input ports. However, the Applicants' claimed invention first halts the path from which the greatest number of packets was received in the queue. This increases the probability that the congestion problem will be corrected with the first path that is halted. There is not any teaching or suggestion in Turner of determining which path contributed the most packets, and halting that path first.

This limitation is recited in independent claims 1 and 6. Therefore, the allowance of claims 1 and 6 and their dependent claims is respectfully requested.

#### **5.) Prior Art Not Relied Upon**

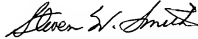
On Page 9 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. However, the Applicants' reading of these references has failed to reveal any teaching or suggestion of determining which path contributed the most packets, and halting that path first.

**6.) Conclusion**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-3, 5-8, and 10.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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